International Criminal Court ICC-ASP/1/L.3

Assembly of States Parties

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Draft report of the Assembly of States Parties to the Rome Statute of the International Criminal Court

Introduction

1. In accordance with a decision of the Preparatory Commission at its 41st meeting, on 8 July 2002 (PCNICC/2002/2, para. 17), the first session of the Assembly of States Parties to the Rome Statute of the International Criminal Court was held at United Nations Headquarters from 3 to 10 September 2002.

2. Pursuant to General Assembly resolution 56/85 of 12 December 2001, the Secretary-General of the United Nations invited all States Parties to the Rome Statute to participate in the meeting. Other States which had signed the Statute or the Final Act were also invited to participate in the meeting as observers.

3. Also invited, pursuant to the same General Assembly resolution, as observers to the meeting of the Assembly, were representatives of intergovernmental organizations and other entities that have received a standing invitation from the General Assembly pursuant to its relevant resolutions[1] as well as interested regional intergovernmental organizations and other international bodies invited to attend the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998) or accredited to the Preparatory Commission for the International Criminal Court.

4. Further pursuant to resolution 56/85, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court or having consultative status with the Economic and Social Council of the United Nations whose activities are relevant to the activities of the Court were invited to participate in the work of the Assembly of States Parties in accordance with agreed rules.

5. In accordance with rule 94 of the Rules of Procedure of the Assembly of States Parties, the following States were invited to be present during the work of the Assembly: Bhutan, Cook Islands, Democratic People's Republic of Korea, East Timor, Equatorial Guinea, Grenada, Kiribati, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Mauritania, Micronesia (Federated States of),

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Myanmar, Niue, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Somalia, Suriname, Swaziland, Tonga, Turkmenistan, Tuvalu and Vanuatu.

6. On behalf of the Secretary-General, the session was opened by the Under-Secretary-General for Legal Affairs, the Legal Counsel, Mr. Hans Corell.

7. At its 1st meeting, on 3 September 2002, the Assembly elected its Bureau as follows:

President:
H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan)

Vice-Presidents:
Mr. Allieu Ibrahim Kanu (Sierra Leone)
Mr. Felipe Paolillo (Uruguay)

Other members of the Bureau:
Austria, Croatia, Cyprus, Democratic Republic of the Congo, Ecuador, Gabon, Germany, Mongolia, Namibia, Netherlands, New Zealand, Nigeria, Norway, Peru, Romania, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland and Yugoslavia

8. At the same meeting, in accordance with the prior understanding on the composition of the Bureau (PCNICC/2002/2, para. 11), it was decided that Mr. Alexander Marschik (Austria) would act as Rapporteur.

9. Also at the 1st meeting, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, the following States were appointed to serve on the Credentials Committee: Benin, Fiji, France, Honduras, Ireland, Paraguay, Slovenia, Uganda and Yugoslavia.

10. The Director of the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, Mr. Václav Mikulka, acted as Secretary of the Assembly. The Codification Division provided the substantive servicing for the Assembly.

11. At the 1st meeting, the Assembly adopted the following agenda (ICC-ASP/1/1):

1. Opening of the session by the Secretary-General.
2. Silent prayer or meditation.
3. Election of the President.
4. Adoption of the agenda.
5. Adoption of the Rules of Procedure of the Assembly of States Parties.
6. Election of two Vice-Presidents and 18 members of the Bureau.
7. Credentials of representatives of States Parties at the first session:
   (a) Appointment of the Credentials Committee;
   (b) Report of the Credentials Committee.
8. Organization of work.
9. Establishment of other subsidiary bodies.

10. Consideration of the report of the Preparatory Commission:

    (a) Rules of Procedure and Evidence;

    (b) Elements of Crimes;

    (c) A relationship agreement between the Court and the United Nations;

    (d) Basic principles governing a headquarters agreement to be negotiated between the Court and the host country;

    (e) Financial regulations and rules;

    (f) An agreement on the privileges and immunities of the Court;

    (g) Any resolution, recommendation or other matters.

11. Adoption of the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors.

12. Adoption of the budget for the first financial period.

13. Adoption of the scale of assessments.

14. Decisions regarding practical arrangements for the transitional period.

15. Appointment of an external auditor.

16. Decisions concerning the next meeting, including dates and venue.

17. Other matters.

12. At the same meeting, the Assembly adopted by consensus the Rules of Procedure of the Assembly of States Parties [(PCNICC/2001/1/Add.4), annexed to the present report as ...]. Bearing in mind that the Rules of Procedure are silent on the extent of the right of observer States referred to in paragraph 1 of article 112 of the Rome Statute to participate in the Assembly, the Assembly decided that such observer States should be allowed to participate in its deliberations but could not participate in the taking of decisions.

13. Also at the 1st meeting, the Assembly adopted the draft recommendation of the Assembly of States Parties concerning seating arrangements for States Parties [(PCNICC/2002/2, annex II), annexed to the present report as ...].

14. At the same meeting, the Assembly decided to meet in plenary sessions and as a Working Group of the Whole and agreed on a programme of work. It reserved time for general statements after the adoption of the reports of the Working Group of the Whole and the Credentials Committee.

Consideration of the report of the Preparatory Commission

15. At the 1st meeting of the Assembly, the report of the Preparatory Commission for the International Criminal Court, as contained in documents PCNICC/2000/1 and Add.1 and 2, PCNICC/2001/1 and Add.1-4, PCNICC/2002/1 and Add.1 and 2 and PCNICC/2002/2 and Add.1-3, was introduced by the Chairman of the Preparatory Committee, Mr. Philippe Kirsch (Canada). The Chairman also briefed the Assembly

on the progress made by the advance team of experts working to ensure the early and effective establishment of the Court.

16. Also at the 1st meeting, the Assembly adopted by consensus the draft resolution on the establishment of the Committee on Budget and Finance [PCNICC/2001/1, annex I, annexed to the present report as ...].

17. At the same meeting, the Assembly adopted by consensus the draft resolution relating to the procedure for the nomination and election of members of the Committee on Budget and Finance [(PCNICC/2002/2, annex XI), annexed to the present report as ...].

18. At the 2nd meeting, on 3 September 2002, the Assembly adopted by consensus the draft budget for the first financial period of the Court [(PCNICC/2002/2/Add.1), annexed to the present report as ...].

19. At the same meeting, the Assembly also adopted by consensus the following resolutions and decisions related to the budget:

(a) Resolution relating to budget appropriations for the first financial period and financing of appropriations for the first financial period [PCNICC/2002/2, annexed to the present report as ...];

(b) Resolution relating to scales of assessments for the apportionment of the expenses of the International Criminal Court [PCNICC/2002/2, annex V, annexed to the present report as ...];

(c) Resolution on crediting contributions to the United Nations Trust Fund to Support the Establishment of the International Criminal Court [PCNICC/2002/1, annex II, annexed to the present report as ...];

(d) Resolution relating to the Working Capital Fund for the first financial period [PCNICC/2002/2, annex IV, annexed to the present report as ...];

(e) Decision relating to the provision of funds for the Court [PCNICC/2002/2, annex VI, annexed to the present report as ...];

(f) Resolution on relevant criteria for voluntary contributions to the International Criminal Court [PCNICC/2001/1, annex II, annexed to the present report as ...];

(g) Decision relating to interim arrangements for the exercise of authority pending the assumption of office by the Registrar [PCNICC/2002/2, annex VII, annexed to the present report as ...].

20. Also at the same meeting, the Assembly reached an understanding in connection with the decision relating to the provision of funds for the Court for the first financial period (PCNICC/2002/2, annex VI), that the assessments would be determined based on the membership of the Assembly of States Parties at the date of the adoption of the decision, namely 3 September 2002, and that the assessments of States for which the Rome Statute would enter into force after 3 September 2002 would be treated as miscellaneous income.

Adoption of the report of the Working Group of the Whole

21. At its 3rd meeting, on 9 September 2002, the Assembly adopted by consensus the report of the Working Group of the Whole (ICC-ASP/1/C.1/L.2).

Adoption of the report of the Credentials Committee

22. At its ... meeting, on 9 September 2002, the Assembly adopted the report of the Credentials Committee (ICC-ASP/1/...).

General statements and address by the Secretary-General of the United Nations

23. At its 3rd and 4th meetings, on 9 and 10 September 2002, the Assembly heard general statements from ....

24. At the 4th meeting, the Secretary-General of the United Nations addressed the Assembly.

Opening for signature of the Agreement on the Privileges and Immunities of the International Criminal Court

25. The Agreement on the Privileges and Immunities of the International Criminal Court was opened for signature by all States at United Nations Headquarters in New York on 10 September 2002. It will remain open for signature until 30 June 2004.

Next meeting, including the dates and venue

26. At the 3rd meeting, the Assembly decided to convene its next meeting at ... from ... to ... 2003.

Notes

[1] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92 and decision 56/475.